

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN HUBER, in his individual capacity
and as Personal Representative of the
ESTATE OF ANTHONY HUBER,

Plaintiff,

v.

Case No. 21-CV-969

DAVID G. BETH, in his individual and official
capacity as Kenosha County Sheriff, DANIEL G.
MISKINIS, in his individual and official capacity
as the former Chief of Police for the Kenosha
Police Department, ERIC LARSEN, in his official
capacity as the acting Chief of Police for the
Kenosha Police Department, JOHN DOE POLICE
OFFICERS of the Kenosha Police Department,
Kenosha County Sheriff's Department, Waukesha
County Sheriff's Department, Racine County
Sheriff's Department, Sauk County Sheriff's
Department, Walworth County Sheriff's
Department, Washington County Sheriff's
Department, Menomonee Falls Police Department,
and West Allis Police Department, CITY OF
KENOSHA, COUNTY OF KENOSHA, COUNTY
OF WAUKESHA, COUNTY OF RACINE, COUNTY
OF SAUK, COUNTY OF WALWORTH, COUNTY OF
WASHINGTON, VILLAGE OF MENOMONEE FALLS,
CITY OF WEST ALLIS, and KYLE RITTENHOUSE.

Defendants.

CITY DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT

City Defendants, Daniel G. Miskinis, Eric Larsen, John Doe Police Officers of the
Kenosha Police Department, Menomonee Falls Police Department, West Allis Police
Department, the City of Kenosha, Village of Menomonee Falls and the City of West Allis

(collectively, the “City Defendants”), by their attorneys, Stafford Rosenbaum LLP, respectfully move the Court for an order dismissing Plaintiff’s Amended Complaint on its merits and with prejudice, pursuant to Fed. R. Civ. Proc. 8(a), 12(b)(6) and 12(b)(7). Dismissal of each claim is appropriate because the Amended Complaint fails to state a claim for which relief may be granted and/or due to the applicability of qualified immunity, discretionary immunity, and/or statutory immunity under Wis. Stat. § 893.80(4), and failure to comply with the notice procedures of Wis. Stat. § 893.80(1d)(a).

This motion is based upon the pleadings and the brief in support filed herewith. Through this motion, the City Defendants also seek the costs and disbursements of this motion and action.

Dated: March 25, 2022.

STAFFORD ROSENBAUM LLP

By Electronically signed by Kyle W. Engelke
Kyle W. Engelke
State Bar Number 1088993
Ted Waskowski
State Bar Number 1003254
Clementine Uwabera
State Bar Number 1114847
Attorneys for City Defendants

222 West Washington Avenue, Suite 900
Post Office Box 1784
Madison, Wisconsin 53701-1784
Email: kengelke@staffordlaw.com
608.256.0226